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Fifth periodic report of States parties due in 2014

Fiji*

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Foreword

It is my honour to submit to the Committee on the Elimination of Discrimination against Women, Fiji's 5th State Report.

Since the completion of the report, Fiji has had General Elections and the Parliament of the Republic of Fiji which now has 14 per cent of women representation, this being the highest women's leadership representation in Fiji's history.

I am pleased to inform the Committee that Fiji now has first woman Speaker of Parliament and the first woman Opposition Leader.

Of the 4 women MPs on the Government side of the House, they hold Ministerial and Assistant Ministerial portfolios. The Fijian Government is committed to the thorough implementation of the National Gender Policy and to continue to deliver its commitments under the CEDAW.

In addition to stronger constitutional protection for women and girls with disabilities, people living with HIV/AIDS and protection of women's sexual and reproductive health and rights, the Fijian Government recognizes and provides specific constitutional protection to the 'invisible' minority in our Pacific Island cultures, women of diverse or alternate lifestyles as it recognizes the complexity of the intersecting discrimination faced by many of our women especially young women, due to cultural and religious biases.

The national budgetary allocation to the Ministry for Women, Children and Poverty Alleviation is indicative of the continued political will and commitment of the Fijian Government to gender equality and the full realization of women's human rights. This is primarily engineered through increased programming funding provided to the National Women's Machinery and the commitment to specifically allocate FJD$500,000 for the annual National Women's Expo.

The Expo showcases for sale nationally, regionally and globally via social media, the handiwork and handicraft of Fiji's rural women. 2016 will be the third year running for this highly successful women's expo.

Fiji, like any other country, has its challenges in harnessing the full potential of its women but, we are confident, that with strong political will, commitment and financial backing to the National Women's Machinery and to Gender mainstreaming all across government and across all sectors, we will forge ahead in fulfilling our commitment to our women and realize true sustainable development because women's human rights is at the heart of development. In the new Fiji, women are ensured equal right to leadership, to economic empowerment and more so to be the agents of change in their communities.

Hon. Ms. Rosy Sofia Akbar
Minister for Women, Children and Poverty Alleviation

Executive summary

1.1 Fiji's 2013 Constitution reflects the Government's commitment towards achieving equality of women and girls in Fiji, is a fundamental right and social and economic imperative. For the first time in history, our Constitution guarantees equal rights to both men and women in the full and free participation in the economic life of the nation (section 32). This provision highlights how essential it is for a paradigm shift in Fiji to seeing women as far more than victims of discrimination and violence, but as agents of change.

1.2 In pursuant to Article 18 of CEDAW, Fiji herewith submits its 5th progress report on its level of legislative compliance (de jure) and the actual equality based on facts (de facto). It has been universally accepted and emphasized in the Beijing Plan of Action that the pursuit of de jure compliance on its own will not guarantee the full implementation of CEDAW. The reporting period is between 2010 and 2014.

1.3 Fiji has made a remarkable progress since it ratified CEDAW in 1995 with the transformation in women's legal rights, more women are well educated and the economic empowerment of women. Today, through progressive legislation reforms that prohibit unfair discrimination including domestic violence, guarantee equal pay, provide for maternity leave and put in place protection against sexual harassment in the workplace.

1.4 For instance, Fiji's new Constitution prohibits any form of discrimination against women and girls on the grounds of sex, race, ethnicity, religion or belief system, health status, disability, age and so forth. In effect, the Constitution addresses gender stereotypes that perpetuate the traditional perceptions of the roles of men and women that are based on unequal power relationships and lie at the core of gender inequality and gender-based violence.

1.5 But, very often, the written laws do not always translate into substantive equality and justice for many women. Fiji, being a developing country appreciates that violence against women is a major health and development issues as well as about human rights issues. Currently, prevalence of domestic violence is extremely high and costing the country almost $1billion since 2011.

1.6 Clearly, violence against women contributes to poverty both direct and indirect ways and a range of social, economic, political, and cultural factors combine to create an environment where women are particularly vulnerable to abuse. It is estimated that about 32 per cent of Fiji's population are living below poverty line and 594,150 people within the age of 15 and over, out of which 326,988 people are economically active and 267,162 people are not economically active.

1.7 The Department of Women (DoW) is the primary advisor to Government on public policies that affect women and the key catalyst for the implementation of the National Women's Plan of Action 2010-2019. In particular, the Minister for Women, Dr. Jiko Luveni is adamant that her Ministry will continue to be vigilant in ensuring that the legal system consisting of the police, courts and judiciary do not fall short of their legal and fiduciary duty of care to provide the justice infrastructure for women. If not addressed, Dr. Luveni said that would continue to manifest itself in pathetic services, hostile attitudes, major implementation gaps and resulting in a very low impact of law and justice on women and girls in the country.

1.8 As such, Dr. Luveni's Ministry is now strengthening its capacity and credibility to become a well-respected gender bureau to Government whereby, it can be relied on to provide timely policy and data advice which are kept updated through an appropriate Monitoring and Evaluation Framework. Also, the Ministry has adopted a "Fiji National Gender Policy in March 2014 and its mission statement says that "... to contribute to the elimination of gender inequalities in all sectors of national life, in order to achieve the nation's goal of sustainable development."

1.9 Monitoring and Evaluation for gender impacts of programmes is a highly skilled area that is difficult to source locally and the Ministry does not have the funding in the current budget to hire at the international level. Also, Fiji does not have a common core document for international human rights treaties. This means that Fiji needs technical assistance for the preparation of a common core document that will provide a framework within which to prepare Fiji's reports such as the CEDAW Report, as part of a coordinated and integrated process.

Country profile

Geographical location

1.10 Fiji, an archipelago of more than 300 islands, of which 110 islands are permanently inhabited and covering land area of about 18.300 sq. km (7,100 sq. miles). It has a total population of 837,271, out of which about 87 per cent people reside in the two major islands of Viti Levu (10,429 sq. meters) and Vanua Levu (5,556 sq. meters). Also, there are about 410,095 women and girls (49 per cent) and the remaining 427,176 or 51 per cent consists of men and boys.

1.11 The two main islands are mostly volcanic with rugged peaks and 16 per cent of arable land suitable for agriculture along the coastal plains, river deltas, and valleys. Coral reefs surround Fiji's 300 islands.

1.12 Strategically located as being the hub of the South Pacific, Fiji hosts many regional offices, international development partners, NGOs, Faith-Based Organizations', Forum secretariat and the University of the South Pacific.

Economic context

1.13 Fiji's national economy is market oriented and supported by high technology and pro-business government policies. Fiji is an attractive holiday destination with resorts and marina developments. It offers investors a dynamic and vibrant business environment, efficient regulatory environment and highly skilled workforce.

1.14 In 2013, Government's capital spending rose by 30 per cent especially for major road works and increase in domestic investment and consumption stimulated an expansion of the national economy. In the long-term, Fiji must sustain recent increases in domestic demand and private sector investment as these are vital to maintaining growth and achieving fiscal sustainability.

1.15 An estimated 2.8 per cent growth in Gross Domestic Product (GDF) in 2014 as the national economy, rebound from weak performance in agriculture, mining and severe flooding at the beginning of 2012. Tax cuts, increase tax threshold and strong remittance inflow resulted in an increase in disposable income and ultimately strengthening of consumer spending. Buoyant construction, recovery in agriculture

output, and stronger performances in wholesale and retail trade, development partners financing in the post-election period, continued improvement in investor confidence, and rising private sector activity stemming from greater policy certainty, GDP growth is projected to accelerate to 3 per cent in 2015.

Political context

1.16 Fiji has a new Constitution (attached as Annex 1) that was enacted in 2013 and our first general election after the 2006 coup will be on 17 September 2014. Under the Constitution, Fiji continues as the Republic of Fiji and places its politics within the framework of a democratically elected Parliament by a multi-member open system of proportional representative.

1.17 Each voter has one vote, with each vote being of equal value. Any political party or independent candidate shall qualify for seats in Parliament unless the political party or independent candidate receives at least 5 per cent of the total number of votes cast. The 50 seats in Parliament will be allocated in proportion to the total number of votes cast by totalling the number of votes for each candidate of a political party and eligible independent candidate(s).

1.18 Under section 81, the President is the He[illegible] of State vested with the executive authority as well as the Commander-in-Chief of the Fiji Military Forces. The President is elected by Parliament on the motion of the Prime Minister and the Leader of the Opposition.

1.19 The Prime Minister must be a Member of Parliament and is the head of government and chairperson for Cabinet. After the election, the member elected to Parliament who is the leader of a political party that has won more than 50 per cent of the 50 seats assumes office of the Prime Minister.

1.20 The judicial power and authority of the State is vested in the Supreme Court, the Court of Appeal, High Court, and Magistrates Court and tribunals created by law. The courts and judicial officers are independent of the legislative and executive body of government and are subject only to the Constitution that they must apply without fear, favour or prejudice.

1.21 The Chief Justice and President of the Court of Appeal are appointed by the President on the advice of the Prime Minister following consultation by the Prime Minister with the Attorney General. The Judges of the Supreme Court, the Justices of Appeal and the Judges of the High Court are appointed by the President on the recommendation of the Judicial Services Commission following consultation by it with the Attorney General.

1.22 The Judicial Serves Commission existed under the previous Constitution but constituted the Chief Justice as Chair, the President of the Law Society, and the Chairperson of the Public Service Commission as members. No woman ever sat as a member of the Commission. Appointments of women on the Bench were limited and the only female judge of the High Court was appointed as late as 1999. Under section 104 of the Constitution (2013) the Judicial Services Commission now has a greater proportion of judges with the Chief Justice and the President of the Court of Appeal, and also for the first time has a lay member of the community as a member. The first woman was appointed to the Judicial Services Commission in May of 2014, Mrs. Jane Rickets a respected academic and member of civil society organizations. The new Judicial Services Commission also has a wider role in

overseeing judicial training, appointing administrative and support staff to the Judicial Department, and managing its own budget. Parliament is given the responsibility of ensuring that the judiciary is adequately funded. These changes, are consistent with the United Nations Basic Principles on the Independence of the Judiciary, and have the effect of insulating the judiciary from executive and other control.

Sociocultural context

1.23 Fiji is a multicultural and multiracial country and this is reflected in its food, lifestyle and cultural practices, belief system and so forth. It has an important heritage from the I-Taukei people, the original settlers. This heritage has been enriched over the last century by Fijians of Indian origin, Rotumans and people of Asian, European, Melanesian and Polynesian origin. Almost the entire I-Taukei Fijian people are Christians, 77 per cent of the Fijians of Indian origin are Hindus, 16 per cent Muslims, 6 per cent Christians and 5 per cent are Punjab Sikhs.

1.24 Very often, traditional values and religious beliefs of traditional and church leaders see the roles of women are subordinate to men but there has been a paradigm shift in Fiji towards equality of rights between men and women. Today, many Fiji women are well educated and academically qualified for high-level jobs in government, private sector, regional and international organizations. However, there is a need to adapt and change some cultural practices which might discriminate against women, works to educate cultural leaders and women on the value of change in an equal society, and to ensure that culture is not used to treat women unequally.

Part I: a framework of the basic principles underscoring CEDAW [Articles 1-6]

Article 1 — definition of discrimination against women

1.25 CEDAW defines discrimination against women in Article 1 as "... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

1.26 This definition imposes obligation on Fiji to take all possible measures to ensure substantive equality of men and women before the law (de jure) and in real life (de facto). It also covers intended and direct ("purpose") as well as unintended and indirect ("effect") discrimination.

1.27 In seeking equal access and equal opportunities for women in political and public life, education, employment and health, CEDAW defines what constitutes discrimination against women and frames the legal obligation for plan of action to realize equality between women and men.

1.28 Notwithstanding that Fiji has not expressly adopted CEDAW's definition of "discrimination" into its legal framework; the Constitution's Bill of Rights provisions are much wider when compared to the Bill of Rights provisions under the abrogated 1997 Constitution.

1.29 In pursuant to Articles 1 and 2 of CEDAW, Fiji's Constitution[1] stipulates a substantive guarantee that everyone is equal before the law and prohibits both direct and indirect discrimination. It prohibits intersecting forms of discrimination against women and their negative impact. Thus; addresses gender stereotypes which perpetuate the traditional perceptions of the roles of men and women, based on unequal power relationships of gender inequality and gender-based violence. These include factors such as race, ethnicity, religion or belief, health status, disability, age, sexual orientation and so forth.

1.30 Although the Constitution has not provided for a separate section on gender equality, section 26, and what was previously section 38 under the 1997 Constitution, declares a guarantee not only of gender equality, more so the freedom from discrimination on the basis of gender identity and expression. This is a significant shift towards equality for women and the trans-gender community. Jurisprudence from section 38[2] showed that the Fijian courts were able to interpret the provision of gender equality robustly and in accordance with international law. The Section was used by the Fiji Court of Appeal in *Balelala v The State*,[3] to declare the law on corroboration unconstitutional and a breach of the guarantee of gender equality. In addition to the Constitution, Government has passed other laws which protect against gender discrimination such as the Domestic Violence Decree and the Mental Health Decree.[4]

1.31 Section 43 of the Constitution stipulates that although some fundamental rights and freedoms may be limited under states of emergency that does not include Section 26. In other words, the right to gender equality cannot be limited, even in an emergency. It is also recognized, that in many cases, violations of equality may reflect an intersection of grounds of discrimination.

1.32 The Constitution prohibits discrimination by state officials, legal enterprises as well as private persons and also provides aggrieved persons who have experienced discrimination with effective remedies.[5] Section 15 of the Constitution guarantees access to courts and tribunals through Legal Aid Commission.[6] Resources to the Legal Aid Commission has increased its budget since 2007 and has offices in almost all towns and cities. This has given the people of Fiji, access to justice.[7]

1.33 CEDAW obliges state parties to take measures to eliminate violence against women. The Constitution guarantees the freedom for every person.[8] In addition, The Domestic Violence Decree 2009 further defines domestic violence.[9]

1.34 Fiji appreciates that violence against women (VAW) is not only about human rights issues, but has been increasingly recognized as major health and development issues over the last 2 decades. An Economics Professor at the University of the

[1] Sections 26 (1)-(3) of the Constitution.
[2] 1997 Constitution.
[3] *Balelala v State* Fiji Court of Appeal 2004 (http://www.paclii.org/cgi-bin/sinodisp/fj/cases/FJA/2004/49.html?stem=&synonyms=&query=balelala%20and%20v%20and%20state %20and%20fiji%20and%20court%20and%20of%20and%20appeal%20and%202003.
[4] Section 7 — Anti Discrimination Provision.
[5] Article 2 (a-g) of the CEDAW).
[6] The Legal Aid Commission is established under section 118 of the Constitution.
[7] Section 15 of the Constitution.
[8] Section 10 of Constitution.
[9] Section 3(2) (a-h) of the Domestic Violence Decree.

South Pacific estimated that by the end of 2011, the total cost of domestic violence to Fiji was $740 million compared to $330 million in 2002. This is based on the New Zealand model of quantifying the economic costs of domestic violence. The Reserve Bank of Fiji also used the same model in 2002.[10] The increased number of recorded cases of domestic violence may reflect greater reporting rather than greater offending.

1.35 The total population for women and girls is 330,000 in 2011 compared to 250,000 in 2002. The unemployment rate increased from 7.80 per cent to 12.90 per cent. The number of women in paid employment has declined from 39 per cent in 2002 to 33 per cent in 2011. This means that women are mostly in domestic duties and there has been a 6 per cent increase indicating that unemployment for Fijian women is high.[11]

1.36 In response to all forms of violence against women, the Secretary General's in-depth study recommends intensified action to eliminate violence against women at all levels.[12] The General Assembly's resolution urges United Nations entities to enhance coordination and intensify their efforts to eliminate violence against women in a more systematic, comprehensive and sustained way. Towards this end, United Nations calls on its entities to take intensified and coordinated action to assist state parties in their effort to eliminate violence against women.[13]

1.37 Within this framework, Fiji was part of a programme of 10 pilot countries where assessment on violence against women was undertaken in 2008. The main objective of Fiji's country assessment was to undertake comprehensive national approaches pertaining violence against women, for example in designing and implementing national action plans. This led to massive law reforms as reported in the 2nd, 3rd and 4th CEDAW Report such as the enactment of the Crimes Decree to repeal and replace Fiji's Penal Code, the enactment of the Domestic Violence Decree, Mental Health Decree, HIV/AIDS Decree,[14] the Criminal Procedure Decree, the Sentencing and Penalties Decree and the Mental Health Decree.

1.38 An important finding of Fiji's baseline assessment survey in 2008 is that "the relationship between violence and poverty is not linear." However, it is clear that violence against women contributes to poverty both direct and indirect ways and a range of social, economic, political, and cultural factors combine to create an environment where women are particularly vulnerable to abuse." Based on the Household Income and Expenditure survey by the Fiji Bureau of Statistics (FIBOS) in June 2012, about 32 per cent of Fiji's population lives in poverty in 2008-2009 compared to 35 per cent in 2002-2003.

1.39 The substantial reduction in domestic violence against women and girls can lead to economic and social prosperity in Fiji, Dr. Jiko Luveni[15] launched a campaign called, "Zero Tolerance Violence Free Communities" (ZTVFC) in 2008.

[10] Fiji Times, Saturday, 3 September 2011.
[11] Ibid.
[12] A/61/122/Add.1 and Corr.1.
[13] Secretary General's In-depth Study on all forms of VAW (A/61/122/Add.1 and Corr.1).
[14] Section 4 of the Sentencing and Penalties Decree requires judges and magistrates to consider special factors when sentencing in cases of domestic violence. These factors include any steps taken by the perpetrator to ensure there is no re-offending and any reparations and compensation to the complainant.
[15] Minister for Social Welfare, Women and Poverty Alleviation.

The campaign encourages women to speak against an injustice and violence against them. It promotes behavioural change and attitudes and largely involves male leaders, church leaders, youth leaders and women leaders to work with the various service providers to identify the strategies to encounter challenges.

1.40 Communities take ownership of the campaign and form gatekeepers' committee that works closely with the stakeholders to stop all forms of violence. There has been an overwhelming positive response from men and are bold enough to stand and accept the fact that violence against women is a serious crime and willing to take appropriate measures to stop any injustice.

1.41 In 2008, with just two ZTVFC, now has grown to 87 communities with months of awareness programmes that are spearheaded by the Department for Women, Fiji Police and NGOs. These communities have the opportunity to access information on gender based violence, Domestic Violence Decree, legal literacy, financial literacy, socioeconomic empowerment, stress and anger management and positive parenting.

1.42 The anecdotal evidence from the Fiji Police Force in communities that have declared themselves violence free shows there is a decrease in domestic violence as well as the overall crime rate. This year, the Department, with funding support by UN-Women will work with these communities and stakeholders to do an evaluation to further strengthen this campaign that continues to become popular and has been recognized locally, regionally and internationally.

1.43 Fiji's first National Women's Expo was held in Suva from 6th to 8th of August 2014. Running parallel the Expo was the Women and Children's summit and Traditional Women Leader's Summit.

1.44 The Women and Children's Summit brought together committee from declared communities, to relook at the challenges, strengths and gaps to devise strategies to strengthen the campaign. Also a time to reflect on the success stories, challenges and map the way forward. Theme for the summit was, "Strengthening the Community Response to End Violence against Women and Children" with a total of 182 participants, including 50 community facilitators from the Department of Social Welfare. This was a first time for them to come together at the national level, to develop a consolidated plan to protect the rights and interests of women and children in Fiji.

Article 2 — Obligations to eliminate discrimination

1.45 Article 2 requires a National Policy for Fiji that explicitly condemns all forms of discrimination against women and taking appropriate measures such as enacting legislations to modify or abolish existing laws, regulations, traditional customs and practices which constitute discrimination against women and girls.[16]

[16] Such National Policy must at least include: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle; (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; (e) To take all

Fiji National Gender Policy

1.46 In addition to the "Women's Plan of Action 2010-2019," Dr. Jiko Luveni[17] approved the "Fiji National Gender Policy"[18] (attached herewith as Annex 2) which has been endorsed by Cabinet.

1.47 The objectives of the Policy are to promote gender equity, equality, social justice and sustainable development. The Policy aims to improve the life of men, women, boys and girls at all levels of society through gender equity and equality. Reinforce the links between gender equality and sustainable development goals in national development, to promote active and visible mainstreaming of gender in all sectors, and to remove all forms of gender based discrimination.

1.48 The Policy provides legislative review which requires an analysis and implementation of Fiji's 2013 Constitution and an on-going review of all legislations and policies relevant to women and gender equality.

1.49 The Policy includes strategies pertaining to gender based violence, in terms of services protocol, training, coordination and institutional strengthening, victims support, families, and counselling services for perpetrators.[19]

1.50 The Policy will put in place a Monitoring and Evaluation framework that will strengthen Fiji's system of data collection and using key measurable indicators, to assess trends regarding domestic violence, trafficking, and the sexual exploitation of women and girls. The Policy provides the introduction of gender-responsive planning and budgeting, gender mainstreaming to ensure optimum benefit of both urban and rural women.[20]

Women's plan of action 2010-2019

1.51 The women's plan of action 2010-2019 (attached as Annex 3) goal is to ensure women's social, political and economic development. This reflects the Government's commitment towards enhancing women's representative at all levels of decision making within a conducive environment that is, violence free. The plan has 5 thematic areas of development, namely, formal sector employment and livelihood, eliminations of violence against women & children, equal participation in decision-making, women and the law and access to services.

1.52 Government promotes a paradigm shift to see women far more than victims of violence and discrimination but as agents of change. In 2014, Government increased allowances for children who are victims of family violence and in state care, to $100 per child per month.

1.53 The Department for Women with the I-Taukei Affairs Board organized the first National traditional leader's summit, with 42 traditional indigenous leaders (Marama ni Yavusa or Marama ni Mataqali) attending a leadership training

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appropriate measures to eliminate discrimination against women by any person, organization or enterprise; (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women; (g) To repeal all national penal provisions which constitute discrimination against women.

[17] The Minister for Social Welfare, Women and Poverty Alleviation.

[18] The Minister dully approved the Policy on 5 March 2014.

[19] Paragraph 5.18(1)-27) — Gender Based Violence.

[20] Paragraphs 5.11(1)-(7).

programme on 6-8 August 2014. More than 500 women are serving members of hospital boards and 1,070 village development committees have women representatives.

Article 3 — Measure to guarantee comprehensive advances by women

1.54 Article 3 requires the establishment of a national machinery for the implementation of laws, policies and programmes for the full development and advancement of women and girls. And, an independent national monitoring body to monitor the implementation of such laws, policies and programmes.

1.55 According to the National Gender Policy, the Fiji Women's Federation will become an independent statutory body to implement the National Policy and provide advice to the Ministry of Social Welfare, Women and Poverty Alleviation.[21]

1.56 The Constitution states that the Human Rights Commission established under the Human Rights Commission Decree 2009 (Attached as Annex 4) continues in existence as the Human Rights and Anti-Discrimination Commission. The Commission has been strengthened under the Constitution.[22]

1.57 It is anticipated that the State will appoint the Commissioners in line with the Constitution. The Commission is currently under the Office of the Prime Minister currently working with the Commission's skeleton staff (14 staff members including an Officer-in-Charge) for setting up the Commission and the appointment of the chairperson and members.[23]

1.58 During the reporting period, the Commission continued the education and promotional work in pursuant to the Decree and an Operation Plan of Action. It attended to training requests from schools and communities on a regular basis. Despite the absence of the Legal Section, the Complaints Section was able to deal with complaints and refer them to agencies such as the Legal Aid Commission, Fiji Independent Commission against Corruption (FICAC), and Family Court. The Commission have been working on Reports to the Committee on the Elimination of Racial Discrimination (CERD), Committee on the Rights of the Child (CRC) and mid-term review of the United Nations Human Rights Council. Under the Constitution, the Commission is given the right to seek redress before the courts for violations of human rights. Such powers did not exist under the Human Rights Commission Decree. As such it is anticipated that the Commission will now be greatly strengthened as a result of this Constitutional power. The Commission is already liaising with the Office of the High Commissioner for Human Rights in Fiji, to seek technical assistance to strengthen its role.

1.59 The National Gender Policy stipulates that the Ministry of Social Welfare, Women and Poverty Alleviation and the Human Rights and Anti-Discrimination Commission will conduct an analysis of the implementation of the Constitution. In addition, an analysis of the gender based violence.[24]

[21] Paragraph 5.7(3).
[22] Section 45 (1-12) of the Constitution.
[23] Section 45 (3) of the Constitution.
[24] 5.7(1) and (6).

Article 4 — acceleration of equality between men and women

1.60 Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

1.61 The Constitution has provision on right to equality and freedom from discrimination.[25]

1.62 Government Ministries administer a number of social justice and affirmative action programmes for achieving substantive equality for all disadvantaged groups accessing education and training, land and housing and participation in commerce. Affirmative action are permitted under human rights law, to satisfy a pressing social need, and as long as there has been a historical disadvantage suffered by the recipient group, and as long as the measures are proportionate to the social need.[26] This definition was used by the Fijian courts under the 1997 Constitution and is applied by the courts under the 2013 Constitution[27] which allows the Fijian courts to use international law as an interpretive aid.

1.63 The National Gender Policy covers Social Justice and allocation of resources, in particular increase consultation with communities, and civil society on the identification, coordination, implementation, monitoring and evaluation of poverty reduction initiatives.

1.64 In pursuant to Article 4 and Article 2, each programme must specify the goals, targeted beneficiaries, means of assistance, performance indicators for judging the efficacy in achieving the goal and the selection criteria.[28]

1.65 The Constitution guarantees the rights and freedoms to economic participation, housing and sanitation and social security systems. The Housing Authority (Authority) has been established under the Housing Act, Cap 267. Its role is to provide affordable housing for low-income earners in urban centres who are unable to secure a permanent residence. The Authority has expanded its services to include mortgage financing for middle to high-income earners in line with the Government's Roadmap for Democracy and Sustainable Socio Economic Development (RDSSED) 2009-2014 "A Better Fiji for All". The RDSSED recognizes the importance of shelter and the Government's responsibility to provide decent homes.

Social housing policy

1.66 In 2011, Government launched its "social housing scheme" with 314 families who now own their homes after their outstanding housing loans with the Housing Authority valued at $2.4 million were written off. These are customers who face genuine financial difficulty such as retirement or unemployment, therefore cannot

[25] Section 26 (1-8) of the Constitution.
[26] The Oakes (1986) 1 SCR definition from the Canadian Supreme Court, now adopted by all Human Rights Courts and tribunals.
[27] Section 7 of the Constitution.
[28] Article 4.

repay debt. Through government grant, $2.5 million was given to the Housing Authority for its Social Housing Policy, inclusive of $1 million grant in 2014.

1.67 The number of people living in squatter settlements shows substantial growth in recent years. It is estimated that close to 7 per cent of Fiji's total population and nearly 15 per cent of the urban population live in over 200 squatter settlements around the country. Squatter resettlement is part of the "Social Housing Policy and Government has allocated $11 million between 2007 to 2013 and benefitted 2291 families or 11,445 people. In 2014, Government allocated $2 million benefiting 1085 families or 5425 people for the cost of purchasing buildings materials and land for new dwelling houses. Maximum claim of Value Added Tax (VAT) paid on cost of $1.2 million.

Tax refunds for home owners

1.68 Government implemented tax incentives on building materials to build new house or contribute towards housing projects. The refund will be given for VAT on cost of purchasing buildings materials and land.

1.69 In 2014, 150 per cent tax deducted on cash contribution towards housing projects up to $50,000 towards any government-sanctioned housing project for informal settlements.

1.70 In 2012, $10 million VAT and Customs Duties for buildings materials imported from China for 2 residential subdivisions in Suva that will benefit 1500 families or 7500 people. A further $10m grant for VAT and Customs Duties for building materials brought from China for Public Rental Flats benefiting 205 families or 1250 people.

Article 5 — measure to change sex roles and stereotyping

1.71 States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

1.72 Domestic violence and rape cases are not reconcilable under The Crimes Decree and Criminal Procedure Decree. The misuse of cultural practices such as bulubulu (traditional reconciliation practices) to force reconciliation has been eradicated by training in gender competence of police officers, prosecutors, judges and magistrates. This means that the traditional practice of reconciliation and forgiveness ceremony cannot be forced onto victims of rape or domestic violence cases. The judiciary has received intensive training to ensure that reconciliation which is forced on to victims of sexual offences is not used to persuade the court to impose non-custodial sentences. The police have a no-drop policy which means that police officer have no powers to drop prosecutions even where the victim wishes to

withdraw the case. There are no reported cases of the use of cultural practices to avoid a prison term for rape cases. The rape sentencing tariff is 7 to 10 years imprisonment for the rape of adults and 10 to 19 years for the rape of children. A non-custodial sentence for rape is now contrary to sentencing principles and is unlikely to be imposed except where the offender is a child.

1.73 The Constitution[29] declares Fiji a secular state[30] in that religious belief is personal and religion and the state are separate. It means that the state and all public officers must treat all religions equally. This is an important provision in the sense that church and State have not always been treated separately in the past which has led to the institutionalization of some religions in the State apparatus, over others. This resulted in improper pressure by church and, through the church, of leaders to support particular (male) candidates in general elections.

Article 6 — exploitation of women

1.74 States Parties must take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

1.75 The Constitution states that everyone has the right and freedom from slavery, servitude, forced labour and human trafficking. The Crimes Decree[31] criminalizes trafficking of persons and children. The penalty is imprisonment from 12 to 25 years. In addition, the National Gender Policy[32] ensures an ongoing commitment towards peace and security.

Part II: discrimination against women in the public spheres [Articles 7-9]

Article 7 — political and public life

1.76 States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

1.77 The National Elections of 17 September 2014 will see the highest number of women candidate nominees in any election for the country. Out of the 248 candidates approved by the Fijian Elections Office, 41 are women. This constitutes 16 per cent of women candidate nominees, an increase of 4 per cent from the 2006 elections.

[29] Section 4 of the Constitution.
[30] A secular State is anticipated to encourage greater voter autonomy and better political participation by women.
[31] Section 111-121.
[32] paragraph 5.10(1)-(7).

1.78 Fiji First Party (FFP) named 9 women out of the 50 endorsed nominees; Peoples Democratic Party (PDP) has also named 9 candidates out of the 46 endorsed nominees; Social Democratic Liberal Party (SODELPA) has named 8 women out of the 49 candidates; National Federation Party (NFP) has 7 out of 49 candidates; Fiji Labour Party (FLP) with 5 out of 37; One Fiji Party with 3 out of 13 and an independent in Roshika Deo. The Fiji United Freedom Party is the only party without a female candidate. The female candidates are as follows:

Ms. Laisa Tovo Bale, Ms. Jilila Nalibu Kumar, Ms. Akosita Fine Tagi Dikota, Ms. Surujmati Prama Nand, Ms. Vikashni Lata Ansu, Ms. Asenaca Toga Batikara, Ms. Salote Vuibureta Radrodro, Ms. Adi Sivia Qoro, Ms. Pasepa Rosarine Lagi, Ms. Eci Kikau Nabalarua, Ms. Nazia Nisha Khan, Ms. Losena Moce Salabula, Ms. Mere Tuisalalo Samisoni, Ms. Mereseini Vuniwaqa, Ms. Roko Tupou Takaiwai Senirewa, Ms. Fay Evangeline Volatabu, Ms. Luisa Waqanika, Ms. Shiromani Priscilla Singh, Ms. Makereta Rosi, Ms. Adi Silvo L Ravuwale, Ms. Rosy Sofia Akbar, Ms. Sulochna Wati, Ms. Lorna Eden, Ms. Jiko Fatafehi Luveni, Ms Sant Kumari Murti, Ms. Vane Maisavuna Baleiloa Koroi, Ms. Roshika Deo, Ms. Adi Varanisese Tavaiqia Ligalevu, Ms. Laisani Rokorainima, Ms. Paulini Waqaniboro, Ms. Nanise Vunisere Kasami Nagusuca, Ms. Leba Seni Lutu Nabou, Ms. Amele Wabale, Ms. Anishini Chand, Ms. Tuvou Mereoni, Ms. Veena Kumar Bhatnagar, Ms. Monica Nalini Raghwan, Ms. Adi Laisa Balavu Tora, Ms. Penina Banaqaqa Fenton Ravulo, Ms. Kalisi Makaba, Ms. Lynda Diseru Tabuya.

1.79 The Constitution[33] guarantees political rights to vote in a free, fair and regular election for citizen who has reached the age of 18 years. This includes the right to form, join, campaign and participate in activities of a political party and be a candidate for an election. But, a person is not qualified to vote and be an election candidate if he/she is:

(a) Serving a prison sentence of 12 months or more imposed by a court in Fiji or abroad;

(b) Of unsound mind; or

(c) Serving a period of disqualification from registration as a voter under the Electoral Decree 2014 or any other relevant law.

1.80 The Electoral Commission is constitutionally empowered to supervise the 2014 general election of the 50 Members of Parliament in September this year. Section 75 of the Constitution and has been primarily responsible for the registration of voters, conduct of a free and fair election, voter education, registration of election candidates, settlement of disputes and monitoring and compliance with the Electoral Decree 2014 and any other relevant laws of Fiji. Attached as Annex 5 is a copy of the "Voter Information Guide" for the 2014 General Election.

1.81 The President on the advice of the Constitutional Officers Commission appoints the chairperson and members of the Electoral Commission (EC). A person is not qualified for appointment if he/she is a Member of Parliament, holder of a public office (other than a Judge), Members of a local authority or election candidate. The EC is made up of seven prominent citizens headed by its Chair, Mr.

[33] Section 23 of the Constitution.

Chen Bunn Young, a private legal practitioner and a former President of the Fiji Law Society. There are two women members, namely, Ms. Jenny Seeto, Chartered Accountant and Financial Advisor and an educationalist and civil society leader, Ms. Alisi Daurewa. Other members are Professor Vijay Naidu, a USP Academic, Mr. James Sowane, a tourism industry leader and marketing expert, Mr. Larry Thomas, a filmmaker and media specialist and Father David Arms, an electoral expert and priest.

1.82 The Office of Supervisor of Election is established under the Constitution, Section 76 and administers the voter registration, conducts election of members of Parliament and any other election prescribed by Parliament.

1.83 In terms of the organizational structure of the Elections Office, there are 34 key posts such as Deputy Supervisor of Elections, Director of Electoral Procedures, Director of Corporate Services and Director of Communications. Within those categories are a total of 230 positions. A total of 14,000 individuals have been employed for the day of the election and counting of votes.

1.84 Government allocated U$9.5 million and financial support from International communities. It is expected that the Papua New Guinea(PNG) Government will give U$10million, China — U$800,000, Australian Government — F$4million, New Zealand Government — $500,000, European Union — technical assistance.

Article 8 — international representation and participation

1.85 States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at international level and to participate in the work of international organizations.

1.86 Fiji maintains diplomatic relations with 88 countries:

- Resident missions overseas include 6 High Commissions, 6 Embassies and 2 Permanent Representatives to the
- United Nations in New York and in Geneva.
- 42 non-resident High Commissioners/Ambassadors based in Suva;
- 14 Honorary Consuls/Consuls General abroad; and
- 3 Trade Commissions in Taiwan, Los Angeles and China.

1.87 Out of the 55 diplomatic posts[34] in 18 missions located in 16 countries around the globe, 30 per cent are held by women. The New York mission has always had a male Ambassador and the post is currently held by H.E. Ambassador Peter Thompson. The Permanent Resident to United Nation (PRUN) in Geneva was opened in June this year and its first Ambassador H.E. Madam Nazhat Shameem who was the first female Director of Public Prosecutions and the first female high court judge. Fiji also has a female Roving Ambassador for the Pacific Island Countries.

1.88 Fiji as the hub of the South Pacific accommodates a number of Institutions such as the University of the South Pacific, Pacific Forum secretariat and United

[34] Ambassadors, Ambassador at Large, Roving Ambassador, High Commissioners, Consular Generals, Counsellors, First Secretaries, Second and Third Secretaries.

Nations entities. There are many women working for these Organisations with attractive salary package which is much higher than local jobs in Fiji.

1.89 The Ministry for Foreign Affairs and the Public Service Commission (PSC) conducted a Diplomatic Induction Training Programme in May this year. A total of 50 participants attended the training and were selected from a list of applicants who responded to an expression of interest advertised by PSC. The main objective of this programme is for Government to have a pool of potential candidates including women taking up foreign postings in its overseas missions, in particular Brazil, South Africa, United Arab Emirates (UAE), Brussels and Russia.

Article 9 — nationality and citizenship

1.90 States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. Also, States Parties shall grant women equal rights with men with respect to the nationality of their children.

1.91 Section 5(4) of the Constitution states that citizenship can be acquired through birth, registration or naturalization and can hold multiple citizenship. This means a Fijian woman married a foreigner does not have to renounce her Fiji citizenship upon acquiring her foreign citizenship. Likewise, the same rules of acquiring citizenship apply to spouses of male and female Fiji citizens.

1.92 The Citizenship of Fiji Decree 2009 provides for the acquisition, renunciation and deprivation of citizenship in Fiji. Sections 8 and 11 state:

> "Who May Apply Citizenship by Birth
>
> 8 — (1) A child born outside Fiji may become a citizen by registration if either parent is a citizen.
>
> (2) A foreign child adopted by a citizen when the child was under the age of 18 may become a citizen by registration.
>
> (3) A child under the age of 18 with either parent is a citizen by registration. Citizenship by Naturalization
>
> 11.-(1) An adult person may become a citizen by naturalization if he/she must have been lawfully present in Fiji for a total of 5 of the 10 years immediately before the application for naturalisation is made".

1.93 Nationality is critical to full participation in society and without status as citizens; women are deprived of the right to vote or stand for public office and may be denied access to public benefits, education scholarships and choice of residence. Nationality should be capable of change by an adult woman and should not be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality.

1.94 In terms of appeal, an aggrieved person may, within 14 days of being notified of the decision, appeal to the Citizenship Appeals Tribunal.[35]

[35] Section 15 of the Administration of Justice Decree 2009.

Part III: social and economic empowerment of women and girls (Articles 10-14)

1.95 Part III provides progress report on the de jure and de facto compliance in relation to access to education, employment, health care, financial services and equal participation in social and cultural life. Article 14 addresses the specific needs of rural women.

Article 10: Education

1.96 Fiji's Constitution recognizes that education is a fundamental human rights and freedoms but subject to the availability of resources within the State.

Right to Education[36]

"Every person has the right to early childhood education, primary and secondary education and further education. The State must take reasonable measures within its available resources to achieve the progressive realization of the right-

(a) To free early childhood, primary, secondary and further education; and

(b) Education for persons who are unable were unable to complete their primary and secondary education"

1.97 Fiji has a literacy rate of 93.7 per cent for males and females. Primary and secondary school education is free and this year will cost Government $65.5 million. A further $20.8 million is to pay for school bus fares for children from families with low income particularly in rural areas.

1.98 The Ministry of Education's responsibility is to design, implement, monitor and evaluate all the educational legislations, policies and programmes in Fiji. In doing so, it must provide quality education that enables all children to realize and appreciate their Constitutional rights to education.

1.99 In 2014, Government allocated $541.5 million towards making education accessible, equitable and affordable in Fiji. Out of the total $1.7million has been allocated for infrastructure development, $150,000 for construction of new pre-schools, $1.2 million for establishment of new facilities for infant schools; $2 million for the construction of 4 new rural secondary schools, $800,000 for upgrading of boarding facilities, and $800,000 for the school laptop[37] programme.

2.0 There is continuing work on the establishment of new early childhood centres to cater for kindergarten students. The Ministry has established 4 new infant schools to cater for years 1-3 students who normally had to leave home for boarding schools or travel long distances to the nearest schools.

2.1 The removal of external examinations in years 6, 8 and 10 allows students to complete their 12 years of education. Internal assessment of students has replaced external examinations and this is to ensure that students' work is assessed according to the relevant competencies and outcomes.

[36] Section 31 of the Constitution.

[37] The Fijian Government has a policy of one laptop per child or one PC per child and has commended pilot schemes to implement this policy in some schools.

2.2 There are 15 special schools that cater for primary schools and 2 vocational training centres specifically for students with disabilities. There is also an inclusive education policy that provides a framework ensuring access to quality education for all students. In 2012, with the Assistance to Quality Education Program (AQEP-AusAid), 5 primary schools were involved in the mainstreaming of inclusive education. In 2012, a total of 1226 students were enrolled compared to 1140 students in 2010.

2.3 The Ministry has a new National Curriculum Framework (NCF) that has been introduced in Primary schools this year (2014). The implementation of NCF is to ensure that the school curriculum is relevant to the needs of young people. Over the years, net enrolment rate in primary schools is almost 100 per cent and around 80 per cent for secondary schools. While gender parity evens out in primary school level, it is in favour of girls at the secondary school level.

2.4 For mainstreaming of vocational courses, 169 secondary schools have introduced the basic employment skills training (BEST) into their school programmes. Of which 12 schools have enrolled students with the Fiji National University (FNU) and National Training and Productive Centre (NPTC). The Ministry subsidises a levy of $70 per student. The remaining 157 schools conduct their training and the Ministry pays for the cost of printing training materials.

2.5 The BEST programme is compulsory for all students for years 10, 11 and 12, in which they learn about trade or skill. The idea is when a student leaves secondary school, he/she graduates both academia and trade/skill, notably, carpentry and joinery, baking and patisseries, clothing and design, office technology, agriculture and business literacy skills. This encourages the diversification of educational and professional choices for boys and girls.

2.6 For higher education, the University of the South Pacific (USP) is the premier institution of higher learning for the Pacific region jointly owned by the Governments of 12 member countries: Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu and Samoa. Its main campus is in Laucala, Fiji, the Alafua Campus in Samoa is where the School of Agriculture and Food Technology is situated, and the Emalus Campus in Vanuatu is the location for the School of Law.

2.7 USP has set up smaller campus in Fiji with Labasa for the northern division Lautoka for Western division. Both campuses offer Distance and Flexible Learning (DFL) approach and a wide range of programmes and courses to allow study opportunity to those who wish to study while keeping their job and staying with their family. Bridging courses is for high school leavers with less mark aiming admission in the degree programme.

2.8 Apart from academic courses and programmes, Lautoka Campus engages with local communities through its Continuing and Community Education (CCE) programme. The programme offers a range of training for upgrading skills to accommodate the needs of the local job market such. For example, training of unemployed youth in Office Management funded by the European Union.

2.9 FNU was established in 2010, combining the Fiji Institute of Technology, Fiji School of Nursing, Fiji College of Advanced Education, Lautoka Teachers College and the Fiji School of Medicine. It has 33 campuses throughout the country with over 20,000 students undertaking 30 different courses with 1800 staffs.

2.10 One of the Ministry's strategic goals contained in its 2014 Corporate Plan is, "Gender Equality and Women in Development. The objective is to increase proportion of women in leadership to achieve gender equality and socio and economic empowerment. The target is for the proportion of female principals, vice and assistant principals to be not less than 20 per cent.

2.11 In 2014, the total workforce in the Ministry is 10,327, out of which 5622 or 54.4 per cent are female workers. Whilst the number of female officers in certain positions is comparable to male officers, there is a need to recruit more qualified female officers in the administration level to participate in the planning and decision-making on policy matters.

Tertiary Scholarships and Loans Board

2.12 In 2014, $82.5 million has been allocated for scholarship and loans for tertiary students. Of which. $750,000 for Special Schools and $5 million for vocational Schools. The Government provides low-interest loans to tertiary student in Fiji.[38] This is in line with its policy of "Building a Smarter Fiji, meaning that "no young person should be left behind, even at the tertiary level or be prevented from reaching their dreams because they cannot afford it."[39]

2.13 The Tertiary Education Loan Scheme (TELS) will cover the full cost of tuition payable after a student has graduated and received employment.[40] Government has allocated $10m to cover the cost of living expenses for students from lower income families.

2.14 The National Toppers Scheme (NTS) grants full scholarships for the top 600 applicants from Form 7 (and equivalent in Foundation) in priority areas. It covers the students' tuition fee, pocket allowance, general service fee, and books and materials allowance. Students would be bonded for a period that is 1.5 times the period of the study.

Article 11: Employment

2.15 CEDAW addresses women's rights in employment by requiring State Parties to "take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of gender equality. This part provides an in-depth analysis of Fiji's compliance with the four major areas of employment discrimination protected by CEDAW[41]

(a) Equal opportunity in employment;

(b) Pay equity;

(c) Marital and pregnancy provisions; and

(d) Sexual harassment

[38] The Government's new programme is available to everyone in Fiji and replaces the current iTaukei, Multi-Ethnic and PSC Scholarships. Those students who are currently on an iTaukei, Multi-Ethnic and PSC scholarships will not be affected.

[39] 2014 Budget Speech by the Prime Minister and Minister for Finance.

[40] Students from families that earn less than $25,000 a year will pay no interest on these loans, those from families that earn between $25,000 and $50,000 a year will pay an interest rate of 0.5 per cent, those from families that earn between $50,000 and $100,000 will pay an interest rate of 1 per cent, and those from families that earn more than $100,000 will pay an interest rate of 2 per cent.

[41] Article 11 (1-3) of CEDAW.

2.16 The Constitution protects the right[42] to full and free participation in the economic life of Fiji, inclusive of the right to choose one's own work, trade, occupation, profession or other means of livelihood.[43] It imposes a duty on the State to take all reasonable measures within its available resources to achieve the progressive realization of the rights of every person to work and to a just minimum wages[44] and the right social security schemes.[45]

2.17 In 2012, the core role of the Ministry of Labour, Industrial Relations and Employment is to pursue the attainment of decent work standards through the promotion of employment opportunities, development of healthy workers, provision of healthy and safe working environment, fair working conditions and stable and productive employment relations.[46] The Ministry has completed its various labour reform programmes that address critical issues inclusive of the rights of women in employment.

2.18 The Employment Relations Promulgation (ERP) 2007 incorporates fundamental principles and rights for women in the workplace.[47] The Promulgation provides for Equal Employment Opportunities (EEO).[48] An additional provision in

[42] Also, the Constitution under its Bill of Rights provisions protects: Freedom from slavery, servitude, forced labour and human trafficking — section 10; Freedom from cruel and degrading treatment — section 11; Freedom from unreasonable search and seizures — section 12; Freedom of assembly — section 18; Freedom of association — section 19; Right to employment relations — section 20; and Right to work and a just minimum wage.

[43] Section 32 of the Constitution.

[44] Section 32 of the Constitution.

[45] Section 32 of the Constitution.

[46] Decent' means a decent wage, decent conditions and a decent work environment that promotes dignity in the workplace for all types of work. It includes the non-discrimination of workers through the Equal Employment Opportunity (EEO) principles.

[47] 6. — (1) No person shall be required to perform forced labour. (2) No person shall discriminate against any worker or prospective worker on the grounds of ethnicity, colour, gender, religion, political opinion, national extraction, sexual orientation, age, social origin, marital status, pregnancy, family responsibilities, state of health including real or perceived HIV status, trade union membership or activity, or disability in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship. (3) Subsection (2) does not preclude any provision, programme, activity or special measure that has as its object the improvement of conditions of disadvantaged individuals or groups, including those who are disadvantaged on the grounds enumerated in subsection (2). (4) Every employer shall pay male and female workers equal remuneration for work of equal value. (5) A worker is not obliged to join a trade union. (6) No employer may make it a condition of employment that a worker must not be or become a member of a trade union, and no written law shall prohibit a worker from being or becoming a member of a trade union. (7) Any condition specified in subsection (6) in an employment contract or in any written law is void.

[48] Prohibited grounds of discrimination 75. For the purposes of this Part, the prohibited grounds for discrimination whether direct or indirect are actual or supposed personal characteristics or circumstances, including: ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age, disability, HIV/AIDS status, social class, marital status (including living in a relationship in the nature of a marriage), employment status, family status, opinion, religion or belief. Sexual harassment 76. — (1) An employer is liable under this section, together with a worker who sexually harasses another worker if the employer fails to take the reasonable steps necessary to prevent sexual harassment of the employer's worker. (2) An employer must develop and maintain a policy to prevent sexual harassment in his or her workplace, consistent with any national policy guidelines under subsection (3). (3) The Minister may direct the Board to develop a national policy guideline for preventing sexual harassment in

the Promulgation caters for the rights of women on maternity leave.[49] In addition to these existing principles and rights, accorded to women in the workplace, there are national policies that all employers in Fiji are legally obliged to create and adhere to as per section 76 (3) of the ERP 2007. The anti-discrimination provisions have been incorporated into the Public Service Act, and discriminatory acts, including those involving sexual harassment are grounds for discipline.

2.19 The National Policy on Sexual Harassment in the Workplace outlines key principles and duties on employers and workers.[50] Employers are to use this national policy as a guideline to creating their own internal policies. The Ministry's compliance investigates whether a certain employer has created its own internal policy and the types of grievance procedures.

2.20 The National Code of Practice for HIV/AIDS in the Workplace is designed to advise employers and workers of acceptable preventive action for averting occupational deaths, injuries and related diseases from HIV/AIDS in the workplace.

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workplaces. (4) Where a complaint of sexual harassment has been made by a worker under this section, the worker's previous sexual experience or reputation must not be taken into account by the employer or a court or tribunal. Unlawful discrimination in rates of remuneration 78. An employer must not refuse or omit to offer or afford a person the same rates of remuneration as are made available for persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances on work of that description for any reason including the gender of that person.

[49] Rights of women on maternity leave 101. — (1) A woman employed in a workplace who expects to give birth is entitled to maternity leave and abstain from work for a period of 84 consecutive days subject to providing her employer with a certificate from a registered medical practitioner or registered nurse specifying the possible date of birth. (2) A woman is entitled to paid maternity leave as follows — (a) for the first 3 births, to the normal remuneration she would have received as if she had been at work; and (b) for the 4th and subsequent births, to half the normal remuneration she would have received as if she had been at work.

[50] 4.2 It is important to note that while the majority of complainants are females, males are also victims of sexual harassment in the workplace. 4.3 Sexual harassment is any form of offensive sexual attention that is uninvited and unwelcomed. It does not need to be a series of incidents or even an ongoing pattern of behaviour. One single act can constitute harassment. 5.0 Employers Responsibilities Every employer must have an internal written policy and grievance procedure on sexual harassment in the workplace. The policy statement should articulate that fact that sexual harassment can be verbal, gestural, visual or physical in nature. More importantly, an employer must have a clear and prompt informal and formal procedure for counteracting sexual harassment in the workplace. An employer may wish to consider utilizing the existing Health and Safety Committees within an organization or workplace, if there is one. 5.4 Measures that may be adopted in reinforcing the prevention and eradication of sexual harassment in the workplace (i) the use of pamphlets and/or posters to reinforce the message that sexual harassment in the workplace will not be tolerated; (ii) orientation programmes that include the dissemination of information on sexual harassment; (iii) ongoing training for staff members on their responsibility for maintaining a workplace free of harassment; and/or (iv) information about employer liability and the monetary related costs of workplace harassment and material such as case studies dealing with incidents of harassment. 6.0 Workers Responsibilities Workers need to understand what constitutes sexual harassment in the workplace and the internal mechanisms and legislative framework that deal with the issue. In this respect, it may be useful for the employer organizations' to work with workers to devise a statement outlining responsibilities of both employer and workers in preventing and eradicating sexual harassment in the workplace.

It also recognizes the gender aspect of HIV/AIDS in the workplace,[51] whilst respecting the fundamental principles and rights.

2.21 The Government established a National Minimum Wage (NMW) that would cover both formal and informal sectors. The Ministry conducted a survey of Fiji's formal and informal sector which the initial findings proposed; the NMW to be at $2.32 per hour. This was reduced to $2 per hour, taking into account the affordability of the NMW for Small and Micro Enterprises (SME). The NMW came into effect on March 2014 and will be reviewed after a year. The Ministry has also carried out investigations of both formal and informal sectors to ensure that all employers comply with NMW. All employers and workers in Fiji now have a proper baseline from which they can demarcate and calculate their wages.

2.22 In the implementation of International Labour Organisation (ILO) Convention 87 and 98, the ERP, Section 6 (1) highlights that fundamental right is the right to join or not join any trade union. Under the Promulgation, an employer may deduct trade union membership fees from the workers consent.[52] Section 20 (2) of the Constitution also guarantees the right of workers to join a trade union. Permissible limitations include the need to regulate essential services, and these limitations will be read in accordance with international standards as a result of the effect of Section 7(1) (b) of the Bill of Rights.

Appeal System

2.23 An aggrieved worker can in person or through a representative submit to his/her employer an employment grievance within 6 months since it happened.

2.24 The Employment Relations Tribunal established under Section 202 has the jurisdiction to adjudicate on employment grievance, disputes, recovery of wages or other money, question on the classification of work and rate of remuneration that would represent equal pay.

2.25 The tribunal may, in proceedings before it for adjudication, refer a question of law to the Employment Relations Court[53] for its opinion and may for that purpose

[51] 5.3 Gender equality The gender dimensions of HIV/AIDS shall be recognized. Women are more likely to become infected and are more often adversely affected by the HIV/AIDS epidemic than men due to biological, sociocultural and economic reasons. The greater the gender discrimination in societies and the lower the position of women, the more severely they are affected by HIV. For example: In 1994 a study revealed that 8 out of 10 domestic workers in Fiji reported that they were being abused by their employers and that as a result of this and a number of other issues, more women (often deserted wives) were engaging in sex work. Therefore, more equal gender relations and the empowerment of women are vital to successfully prevent the spread of HIV infection and enable women to cope with HIV/AIDS.

[52] Authorised deductions from wages 47 — (1) An employer may — (a) ... (b) with the written consent of the worker, deduct an amount due by the worker as a contribution to a provident fund, school fund, pension fund, sports fund, superannuation scheme, life insurance or medical scheme, credit union, trade union, co-operative society or other funds or schemes of which the worker is a member and must on behalf of the worker pay the amount so deducted to the person empowered to collect amount or entrusted with the management of the fund, scheme, trade union or cooperative society; 47 The Employment Relations Court is established under section 219 and has the jurisdiction to hear appeal from the tribunal....

[53] The Employment Relations Court is established under section 219 and has the jurisdiction to hear appeal from the tribunal....

defer adjudication upon and adjourn the proceedings subject to receiving such opinion.

Special Temporary Measures

2.26 The Ministry for Welfare, Women and Poverty Alleviation in its quest to provide economic and employment opportunities for disadvantaged women, especially rural women has helped establish facilities that provide services. Since Cabinet endorsed the construction of women resources centre in 2010, the Ministry has opened 30 new women resource centres; 26 women extensions centres while 14 are still under construction throughout Fiji. It has also established networks with 1702 women's groups. There are certain centres that will operate with 'one centre, one core product' concept to ensure quality and consistency of supply of the products for sales. These centres will be accessible to women from villages and settlement that will be provided with skills trainings to earn income for their families. They will also host capacity building workshops for women, a gateway to disseminate information on a wide range of subjects relating to women's leadership, elimination of violence, gender equality, financial literacy and women's health. This capital project is important for women's groups need to acquire better management skills to operate income generating programmes. These facilities are a great incentive for women to work together and contribute towards the development of their communities.

2.27 At the finalization of this report, Fiji's general elections were held. The 7 parties that contested were the: FFP; SODELPA; NFP; PDP; FLP; One Fiji Party; UFDF and 2 independents, Ms Roshika Deo and Mr. Umesh Chand.

2.28 Out of the 247 candidates who contested the 50-member Parliament, (42) 17 per cent of candidates were women. There was 83.9 per cent voter turn-out, the largest percentage ever, given that voting is not mandatory in Fiji. At the close of official counting of the 496,364 valid votes, the FFP party won 32 parliamentary seats, SODELPA 15 seats and the NFP 3 seats. Of the prioritization of seats as per number of votes polled per candidate, FFP, as the government majority will have 5 women Member of Parliament (MPs). In the opposition will be SODELPA and the NFP. SODELPA will have 2 women MPs with one being the Leader of the Opposition and NFP will have 1 woman MP. This means that Fiji's Parliament will have 8 women MPs (16 per cent) out of a total of 50.

2.29 Of the 7 Political Parties except for the One Fiji Party and the UFDF have women as party presidents. One Fiji Party and UFDF are newcomers on the political scene and only fielded 13 candidates and 3 candidates each.

Article 12 — Health

2.30 Article 12 imposes an obligation for a State Party to take appropriate legislative, judicial, administrative, budgetary, economic and other measures, to the maximum extent of their available resources to ensure that women realize their rights to health care. High maternal mortality and morbidity rates worldwide are indicators that States Parties possibility breached their duty to ensure women's access to reproductive health care services. States Parties should also ensure the rights of female and male adolescents to sexual and reproductive health education by properly trained personnel in specially designed programmes that respect their rights to privacy and confidentiality.

2.31 General Recommendation 24 emphasise the importance of confidentiality in health care. The lack of confidentiality may deter women from seeking medical care on diseases of genital tract or in cases where they have suffered sexual or physical violence. It links gender inequality to the risk of contracting HIV and other sexually transmitted diseases.

2.32 The Constitution[54] guarantees the rights and freedoms to health and this requires the "State Party to take reasonable measures to implement the rights within its available resources to achieve the progressive realization of the right of every person to health, and to the condition and facilities necessary to good health and to health care services, including reproductive health care. A person must not be denied emergency medical treatment". While protecting the rights to health, Fiji's Constitution refers to availability of resources which would be a condition required for implementing the rights.

2.33 The objective of the Medical and Dental Practitioner Decree 2010 is to protect the health and safety of the public in relation to the practice of medicine and dentistry. The Decree requires the registration and licensing of medical and dental practitioners and students and regulates the provision of medical and dental treatment to ensure the maintenance of high standards of competence. The Mental Health Decree 2010 provides the administration of mental Health in Fiji and the HIV/AIDS Decree 2011 covers laws for people living with or affected by HIV/AIDS. Under the HIV/AIDS Decree, the unborn child has the right to the prevention of mother-child transmission of HIV.

2.34 According to the Ministry of Health, out of the 558 people living with HIV/AIDS in the past four years in Fiji since March 2014, about 85 per cent contracted the disease through heterosexual sex. The majority of those living with HIV/AIDS are in most productive age range of 20-29 years. The HIV/AIDS Decree guarantees[55] the right to confidentiality of test results, the right to voluntary informed consent before a test is conducted, and criminalises any official publication of test results which are not conducted in accordance with the Decree. The Decree introduces a rights based approach to HIV/AIDS.

2.35 The Ministry of Health has developed the Strategic Plan for the Republic of Fiji on HIV and STIs (2012-15) after numerous consultations with all stakeholders and reflects 4 priority areas.[56] The Ministry prepares annual work plans to ensure implementation of the strategic plan.

Rights-Based Approach to Sexual and Reproductive Health and Family Planning

2.36 Fiji appreciates that the International Conference on Population Development Programme (ICPD) recognises the right of women to have children by choice, not by chance. This fundamentally changes the international community's approach to the issue of family planning, moving it to the broader context of sexual and reproductive health; a recognition of women's right to plan their family and to attain the highest standard of sexual and reproductive health.

[54] Section 38 of the Constitution.

[55] HIV/AIDS Decree 2011 sections 34, 36 and 41. The Decree is consistent with the International Guidelines on HIV/AIDS.

[56] Priority Area 1: Prevention of HIV and STI | Priority Area 2: Continuum of Care | Priority Area 3: Governance and Co-ordination Priority Area 4: Monitoring, Evaluation and Research.

2.37 Dr Laurent Zessler[57] said that "at some point of her life, a woman will confront questions that the majority of members of her communities assume is a given. That is, whether she wants to have children and if yes, then what would be the spacing between her children. Every woman has to plan her life and if there is a family included then so be it, but she must be able to make these decisions herself."

2.38 Furthermore, Dr Zessler said that "just as a woman have the right to life or to liberty and security of person or to education and health, equality in marriage and equality and non-discrimination, it is a women's right to be able to plan her family. The number and spacing of children have implications on their education and their overall wellbeing. This has been proven to be the most cost-effective public health and sustainable development intervention ever developed."

2.39 Women's right to plan her family are entitlements to quality family planning services. The right to family planning information and sexuality education enables women to make decisions without coercion, discrimination or violence.

2.40 The United Nations Population Fund (UNFPA) Pacific office works in conjunction with the Ministry of Social Welfare, Women and Poverty Alleviation and Ministry of Health, to utilize the Women's Resource Centres to access information and services related to family planning. According to the Minister for Social Welfare, Women and Poverty Alleviation Dr. Jiko Luveni, this project meant that Fiji is progressing well in its commitment to ensure women and adolescent girls are well informed on sexual and reproductive health issues.

2.41 These women centres will increase to 60 by the end of 2014 and will be giving out contraceptives like condoms. The centres basically provide a space where women can gather and discuss issues amongst themselves. It is their right to have this information that is vital to their well-being and to the future of their children who may reach the highest education level they can because parents can afford it. The Ministry of Health and the Ministry of Social Welfare, Women and Poverty Alleviation through the Department of Women work together in planning and implementing health promotion campaigns such as obesity prevention in children, diabetes prevention, mental health and immunization. In March this year (2014), the Department of Women and United Nations Population Fund had put together a programme that features presentations by the Fiji Police, Ministry of Health, Empower Pacific and Medical Services Pacific.

2.42 Thirty (30) women leaders from across the country attended a 3-days workshop to develop an action plan on how to improve reproductive health services in their respective communities. The interactive session between these women leaders and the service providers share information and identifies strategies to effectively address issues like teenage pregnancies, HIV/AIDS, STIs, gender based violence, suicide, abuse of alcohol and drugs. This is to help women leaders effectively carry out their roles as family planning agents in their communities. These women leaders represent communities that have infrastructure like Women's Resource Centres. The Centres create opportunities for women to earn income, disseminate information and raise awareness on the sexual reproductive health targeting women, youths and young mothers.

[57] Dr. Zessler is the Representative and Director of UNFPA Pacific Sub-Regional Office.

2.43 The workshop is for women leaders to go back with information and share their knowledge with the male leaders, women and youths in their communities. This workshop was a success in the sense that talking about issues like women's sexual health; is not a very comfortable topic in traditional communities.

2.44 This rights-based approach to sexual and reproductive health including family planning, has led to the full realization of the right to plan one's family. This approach has increased participation of local communities, improvement of transparency and accountability and the promotion of rights.

2.45 Government has expanded its food voucher programme for pregnant mothers indicating government's initiative to reduce child mortality rate and improve maternal health as stipulated under Millennium Development Goal (MDG) 4 and 5. This year, Government allocated $1.4 million that will benefit 4,000 pregnant mothers who attend rural health clinics. The objective of this programme is to improve maternal health and provide nutrition needs required during pregnancies.

2.46 The Ministry of Health continues to develop Sexual Reproductive Health Clinics (SRHC) in all the three major divisions of the country, with the support of UNFPA. The Central division had its Oxfam Clinic refurbished to a Women's Wellness Centre supported by International Women's Association which serves all women and men to deliver sexual reproductive health in a rights-based approach. This is to ensure that couples or partners are well informed to make an appropriate decision in relations to Sexual and Reproductive health.

Public Health in Fiji

2.47 The Ministry of Health's goal is to provide accessible, affordable and quality healthcare services to the people of Fiji and a total budget of F$1billion in the past 7 years. There have been various reforms in the Fiji's health sector with new equipment, improved services to the rural communities and new laws to address emerging health issues.

2.48 In 2013, Government allocated $9.9million for the refurbishment of the operating theatres, and intensive care unit at the Colonial War Memorable Hospital (CWM). A total of $4.9million was for the extension and refurbishment of 13 operating theatres benefiting a population of 300,000. $400,000 was allocated for new nursing stations, $3million for the extension of CWM hospital maternity unit for 200 more beds to cater for 800 births per month. The CWM hospital has 486 beds with more than 1200 staffs, specializes in patient care services such as interventional cardiology, urology, neurosurgery, oncology and advanced orthopaedic surgery and advanced medical equipment such as CT scan, MRI scan ($3.3m), EEG machine and Lithotripter machine.

2.49 In 2010, the Ministry of Health in partnership with United Nations Children's Fund and the Ministry of Education, rolled out the National Micronutrient Supplementation Programme in primary schools. In 2009, Government provided nine vaccines at a cost of $1.2million annually. These are rotavirus and pneumococcal vaccine for children under 5 years old and HPV vaccine for 12-14 year old girls.

2.50 Deputy Secretary of Public Health is the head of the Public Health Division and it is one of the four Divisions of the Ministry of Health.[58] Its core functions is to set the strategic directions and frameworks for all public health programmes, develop evidence based policies, facilitate the implementation of public health activities at operational levels, monitor and evaluate these activities including surveillance, research and facilitate training.

2.51 The different units within the Public health Division are as follows:

- Family Health — STI, HIV/AIDS, ARH, EPI, child health, IMCI and RH, maternal health, gender issues and violence against women;
- Non Communicable Diseases;
- Communicable Diseases;
- National Centre for Health Promotion;
- Environmental Health;
- National Food and Nutrition Centre;
- Public Health Nursing;
- Oral Health, TB, Leprosy, Eye Care Service
- Mental Health and Suicide prevention;
- Rehabilitation Services;
- Community Rehabilitation Assistance

2.52 These division were part of the Fiji Health Sector Support Program (FHSSP). The Public Health Act, Cap 111 has been reviewed and the new version of the Health Protection Decree is almost complete. There are other decrees and legislations in place such as, Food and Safety (Amendment) Regulation 2012, Quarantine Decree, Advertising and Promotion of Foods and non-alcoholic beverages to children regulation, Tobacco Control Decree etc.

2.53 Fiji has 3 divisional hospitals, 16 sub-divisional hospitals, 3 area-hospitals, 2 special hospitals and 1 private hospital.

Non-Communicable Diseases

2.54 Fiji has a relatively young population with about 48 per cent (402,991 persons) are below the age of 25 years. The number of people aged 60 years and over is estimated at 62,940 persons or 7.5 per cent of the total population of 2007. About 18,000 births occur in Fiji each year with a crude birth rate and crude death rate of 21.0 and 7.2 per 1000 respectively. The Government's focus on health lies in preventative health care, whilst at the same time recognizing curative health care needs as an important entity that is all-inclusive in a national health system.

2.55 Non Communicable Disease (NCD) is a leading cause of mobility, disability and mortality in Fiji with relatively early age of cardiovascular deaths. This group of diseases, with lifelong disabilities and devastating complications, is of great burden to our community and nation as a whole. According to the Minister for

[58] The other divisions are the Fiji Pharmaceutical Services and Biomedical Centre, Information and Planning, Nursing and Research.

Health, Dr. Neil Sharma, his Ministry takes a leading role in developing a Strategic Plan 2015-2019 for the prevention and control of NCDs given that NCDs situation in Fiji is like that of an "epidemic and must be dealt with like any Public Health Emergency".[59]

2.56 The prevalence of hypertension has increased from 19.1 per cent in 2002 to 31 per cent in 2011 and the prevalence of diabetes has increased from 16 per cent in 2002 to 29.6 per cent in 2011. The goal of NCD in 2015 and onwards is to improve Fiji's national NCD status by 5 per cent and 5 per cent reduction in Prevalence of common risk factors, intermediate risk factors, major NCDs in Fiji; and 80 per cent improvement on Early detection and management, Primary health care facilities and Management of NCD admissions in hospitals.

Adolescent Reproductive Health

2.57 Adolescent Reproductive Health (ARH) is a key component of the National Reproductive Health Programme of the Ministry of Health. It started as a pilot project under the UNFPA-funded national Reproductive Health Programme (1998-2002). This demonstrated the Government's recognition of emerging ARH issues and its commitment to respond appropriately.

2.58 In the early phase of development, the Ministry of Health recognized peer education and the establishment of ARH Centres as effective strategies for providing easy access to adolescent sexual and reproductive health (ASRH) information and services. The focus revolved around peer support in the prevention of STIs and the promotion and advocacy of family planning services through a Peer Education Programme.

2.59 The peer approach was designed for peer educators to reach other young people with ARH information and education. The regional UNFPA-funded ARH Project started in 2001, coordinated by the secretariat of the Pacific Community (SPC) and implemented in 10 Pacific island countries, including Fiji. Through this project, additional funding assistance will always be available to expand the scope of the project. Within the Ministry of Health, the Adolescent health programme ensures that there is a peer educator provided to every Sub-Division to provide peer to peer support, education and appropriate health services in a non-stigmatizing and non-discriminatory manner at all levels. This is in relations to the adolescents sexual and reproductive health issues in a rights based manner.

2.60 Apart from the Ministry of Health, peer educators programmes have also been rolled out to the Ministry of Youth and Sports, to tertiary institutions and also the Ministry of Education. The Ministry of Education works closely with the Ministry

[59] This Strategic Plan is built on current prevention themes and innovative developments such as the establishment of the cardiac catheterization laboratory, support to the regional eye unit, radiology, mammograms, CT scans, diabetes/renal Hubs, to name a few. On the preventative side, the wellness framework, early detection through the toolkit and green prescription, one stop shop and the PEN (Package of Essential NCD) in SOPDs and home-based cares (HITH) are some innovations that will be further developed. The plan calls for government to work with 7 settings (local communities, settlements, municipalities, schools, faith-based organizations, workplaces and sports) in an effort to prevent and control NCD. The Ministry of Health is committed to reduce the burden of NCD through this plan and the whole of Fiji has been always encouraged to work in partnership, as a nation, to save our people from this disease burden.

of Health to ensure that there are school peer educators in all the Divisions to capture and address issues pertaining to youths in school.

2.61 The Ministry of Education working with the Health Sector to train teachers in schools who are Family Life Education teachers, trained to teach and advocate to students on issues pertaining to Sexual and Reproductive Health.

2.62 In relations to the out of school peer education, there are programmes such as stepping stones which works on a module based education of youths in the communities who becomes advocates and educators themselves of youths in the communities.

Ministry of Health Information Policy

2.63 In 2011, the Ministry carried out a reform of its health information system to be more effective, efficient and responsive in its core role as Fiji's healthcare provider. Towards this commitment, the Ministry developed a Health Information Policy and the Health Information Strategic Plan 2011-2015. This policy sets the Ministry's aim to integrate and harness the components of the Health Information System [HIS]. Timely and reliable health information is necessary to improve healthcare of individuals for evidence-based decision-making, tracking performance and attainment of its human development under the MDGs and strategic plans.

2.64 Health information data has disaggregated by sex, age, rural, urban, racial and comprises of population growth, births, marriages, mortality and morbidity, disease outbreaks, social determinants of health (such as nutrition, environment, and oral heath), access, coverage and quality of services, financing, human resources for health.

Article 13 — Economic and Social Benefits

2.65 "State Parties shall take all appropriate to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits regardless of marital status;

(b) Equal rights to bank loans and other forms of credit; and

(c) The right to participate in recreational activities and all aspects of cultural life."

Benefits and Social Security Schemes

2.65 The Constitution 37-(1) recognizes the Right to Social Security Schemes which states the provisions "State must take reasonable measures within its available resources to achieve their progressive realization of the right of every person to social security schemes, whether private or public, for their support in times of need, including the right to such support from public resources if they are unable to support themselves and their dependents.

(2) In applying any right under this section, if the State claims that it does not have the resources to implement the right, it is the responsibility of the State to show that the resources are not available."

2.66 In 1966, the Fiji National Provident Fund (FNPF) was established as a social security savings scheme for workers when they retire at the age of 55. Under the FNPF Act, it is compulsory for an employer and its employee(s) to each contribute 8 per cent of the employees' salary/wages, total of 16 per cent of the employees' salary/wages to be paid into the employees FNPF Account. FNPF provides other services prior to retirement, such as a member is allowed to withdraw his/her FNPF savings if totally incapacitated and not able to work and for the financial support of survivors in the unfortunate event of death. FNPF also provides a number of pre-retirement withdrawals to members for home ownership, healthcare and education. Also, FNPF plays a vital role in providing labour market statistics with regards to the number of employers and estimates on the total number of people working and new entrants into the labour force (formal and informal sector).

2.67 Pension Section of the Ministry of Finance is responsible for the processing and payment of pensions to pensionable civil servants, who retired under the Pensions Act No.17 of 1983. Currently, there are 2,696 pensioners who are receiving government pensions:

Widows and Orphan Pension

Pension for widows of deceased contributors to the Widows and Orphan Scheme;

60 per cent Dependent Pension

Pensions for legal widows upon the death of the civil pensioner, where he/she will receive 60 per cent of the deceased's civil pension;

War Pension

Pension for civil servants who got injured whilst on war duties; and

Civil Pension

Pensions for retired civil servants.

2.68 Other pension scheme is for former Parliamentarians, Prime Minister, President and Governor General, Judges and Chief Justice. This includes Fiji Military Forces Pensions and Re-Engagement Benefits for Prison Officers and for Forest Guards.

2.69 The Social Pension Scheme for Senior Citizens was introduced by Government in 2013. Currently, 9675 elderly people are receiving monthly allowance of $30. The total budget is $3.2million this year and the allowance will increase to $50 in 2015.

2.70 The Poverty Benefit Scheme was introduced in 2013 to replace the Family Assistance Programme and Social Pension Scheme assisting senior citizens who are 70 years and over:

- Budget allocation of $22.6 million in 2013;
- More than 19,000 recipients, maximum of members of the household assisted;
- Maximum payment of $150 per month inclusive of $30 food voucher;
- Seasonal workers like sugarcane labourers can also apply.

2.71 There is a Care and Protection Programme to assist children from disadvantaged families such as single mothers, prisoner dependents and foster care parents/guardians:

- Budget allocation of $4.5million with the target of 4,000 children;
- Currently, a total of 4608 children benefit under the programme;
- Currently, 155 children staying in 9 residential homes in Fiji receives $100 monthly;
- Secondary school students are given $40 per child, Primary school is $30 and infants are given $25 each and a monthly food voucher of $30.

2.72 The bus fare concession scheme is the outcome of an agreement signed between Government and the Fiji Bus Operators Association in 2011. People with disabilities are allowed to travel free in buses and persons of 60 years and over pay half the bus fare. This year, a budget of $150,000 allocated for this scheme.

Women's Rights to Banks loans and other forms of Credit

2.73 Section 19 of the Human Right Commission Decree 2009 prohibits any unfair discrimination against anyone whilst he/she is participating in, or applying for a partnership, the provision of goods, services, facilities, including facilities by way of banking or insurance or for grants, loans, or finance and provision for land, housing or other accommodation.

2.74 The Fiji Revenue and Customs Authority issues a letter containing a person's tax identification number (TIN) and women can use this letter to open a new bank account, acquire a bank loan, enter into hire purchase credits and agreement. The Consumer Credit Act 1999 regulates consumer credit agreements and related mortgages, guarantees, sale contracts and insurance contracts, leases and hire purchase agreements. Any aggrieved party to a credit agreement may seek redress in a court of law or the small claims tribunal for amounts up to F$5,000.

2.75 The Fiji Commerce Commission has been set up under the Commerce Commission Decree 2010. It is to receive, investigate and initiate actions on behalf of the consumers for breaches of the Decree pursuant to Sections 15 (1) (f)-(h):

- "To promote the interest of consumers and persons negotiating or considering the acquisition of goods or services as consumers and to assist them to a greater awareness in relation to their assessment and use of goods or services;
- To receive and consider complaints concerning matters affecting or likely to affect the interest of consumers or persons negotiating or considering the acquisition of goods or services as consumers; and
- If the Commission is of the opinion that such action is warranted, to investigate the complaints and take such action on behalf of the consumers or persons negotiating including legal proceedings in respect thereof as seems proper to the Commission."

2.76 The Fiji Commerce Commission v Morris Hedstrom Limited (MH) is a case before a Magistrate's Court on the complaint of Ana Mataiciwa whereby MH was charged for the offence making false representation on price advantage of goods. The court found MH guilty of the offence as charged and ordered payment of fine of $1500.

2.77 The Fiji Commerce Commission v RB Patel Limited, the defendant was ordered to pay a fine of $5,000 after the Magistrate court found the defendant guilty of an offence of charging extra $1.14 whole sale price for a bag of onion.

Women's Rights to Participate in Recreational Activities and all Aspects of Cultural Life

2.78 The Constitution, Section 26(5) and (6) states that "every person has the right of access, membership or admission, without discrimination on a prohibited ground, to shops, hotels, lodging-houses, public restaurants, places of public entertainment, clubs, education institutions, public transportation services, taxis and public places". The proprietor of a place or service must facilitate reasonable access for disabled persons to the extent prescribed by law." Then, subsection (7) states that a person shall not discriminate directly or indirectly against any other person on any of the prohibited grounds.

Article 14 — Rural Women

2.79 State Parties must eliminate all forms of discrimination against women and girls in rural areas so that they can:[60]

(a) Participate in and benefit from rural development planning at all levels;

(b) Access adequate health care facilities;

(c) Benefit from social security programmes;

(d) Access to all types of training and education; and

(e) Enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

2.80 The Convention recognizes rural-urban difference by enumerating specific rights to rural women and girls.[61] It requires State Parties to take into account problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.[62]

2.81 A consultant was appointed to prepare this report and part of her terms of reference was to facilitate consultation meetings with rural women throughout Fiji over a period of 5 weeks between April and May 2014. A total of 350 rural women attended the 12 consultation meetings. Its main objective is to listen to their voices and views to gauge the impact of the legislative and other measures in compliance with CEDAW.

2.82 The Department for Women has invested considerable resources to benefit rural women through its Income Generating Projects, Women's Centre and zero-tolerance for violence against women and children. These programmes are designed

[60] On October 2011, at its 50th session, the CEDAW Committee adopted a general statement on Rural Women stressing that "despite efforts undertaken to encourage overall empowerment of rural women there are still many issues that need to be addressed as women, and in particular rural women, face discrimination in all spheres of life.

[61] In addition, Article 10 mentions rural women's need in relation to education.

[62] Above, n1.

to eliminate violence, poverty alleviation and economic empowerment of rural women.

2.83 The consultation meetings with rural women highlighted the need to protect the rights and freedoms and the advancement of those 412,425 rural women, address gender equality issues prevalent in rural areas, equality issues between rural women and urban women as well as issues pertaining to ethnicity and equality between cultural groups.

2.84 Majority of rural women who attended the consultation meetings are high school dropouts and needs more awareness on CEDAW and their fundamental rights and freedoms enshrined in the Constitution. About 95 per cent of the participants reported that there are conflicts between human rights and religion as well as customs and traditions.

2.85 There is a need for a paradigm shift for rural women to see themselves as agents of change rather than victims of discrimination and violence. Appropriate training is one of the key areas that will help rural women, policy makers and other stakeholders become equal partners in decision-making and contribute to the rural sector development.

2.86 The Human Rights and Anti-Discrimination Commission is responsible to undertake human rights education and training. After the first sitting of Parliament, it is likely that the Commission will be fully staffed under the Constitution and appropriately resourced to fulfil its wider and stronger role under the Constitution.

Population of Rural Women and Girls

2.87 In 2012, out of the total rural population of 412,425, there are 197,703 women and girls.[63] Most iTaukei Fijian women live in villages and settlements throughout the 14 provinces whereas Fijian women of other ethnic groups live near urban centres and cane-growing areas.

2.88 Agriculture is the main source of income and employment in rural areas. Most Fijian farmers of Indian origin hold land leases over itaukei land in rural areas. However, the land tenure system may prevent them from long-term investments or large-scale farming[64] so most of them remain subsistence farmers.

2.89 If the iTaukei landowners agree for the renewal of their expiring leases, then, the iTaukei Land Trust Board (TLTB)[65] will renew them. If the landowners do not agree to the renewal of expiring leases, TLTB will relocate Fijian farmers of Indian origin and their families to alternative land sites. Similarly, most of the iTaukei Fijians remain subsistence farmers as they must secure an agriculture lease over their land in order to access bank loans to improve their farms. The process of acquiring leases with TLTB takes time to issue.

2.90 The Constitution in providing protection of rights and interests in land, states that "land leases and tenants have the right not to have their land lease or land tenancies terminated other than in accordance with their land lease or land

[63] In 2012, it is estimated that Fiji has a total rural population of 412,425, about 50% of the total population of 837,271.

[64] This is land owned by indigenous Fijians that covers about 87% of total land area in Fiji.

[65] TLTB is a statutory body that administers all native land in Fiji.

tenancies",[66] and any amendment to any law governing lease or tenancy agreements shall not adversely affect any existing lease or tenancy agreements.[67]

2.91 iTaukei Fijian women in rural areas, are often unfairly prejudiced by Fijian traditional customs in marriage. Once married, an iTaukei Fijian women moves from her father's village to reside in her husband's village and during the wedding ceremony, her family presents a "tabua" (whales tooth) to her husband's family asking them to take good care of her.

2.92 Once her husband dies, her family will again present another "tabua" to her late husband's family as in the iTaukei customs, she must return to her father's family. This makes them dependent on men throughout their lives, firstly, their father, then their husband, then, once they become widows, they depend on the goodwill of the male line in her father's family.

Government Rural Development Policies and Programs

2.93 Government has invested substantial amount of money in the development of services and infrastructure in the rural areas with development policies and programmes. However, there has been a growing recognition that equality of women and girls is a central factor if Fiji is to achieve real and sustainable development, peace and security goals. The impact of these development programmes on rural women and girls is unknown as there is no available data.

Rural Education

2.94 Fiji's rural education project is an indication of Government's commitment to education.[68] The purpose of the rural education project is to create enabling environments that will increase learning and employment opportunities for rural communities.[69] Primary and Secondary schools education is free in Fiji and free school bus fare for children from families with low income particularly in rural areas.

Rural Water and Sanitation Policy

2.95 In 2010, estimated 95 per cent improved water source in rural areas the remaining unimproved water source is 5 per cent. In April 2012, the Government launched its first ever water and sanitation policy to promote safe drinking water and proper sanitation in rural areas. The policy has been designed to reduce the disparity that exists between urban and rural drinking water and ensure that everyone in Fiji access clean water and efficient sewerage services.

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[66] Ibid.

[67] Constitution, section 29(2).

[68] The five key result areas targeted are: improved infrastructure and upgraded facilities in terms of roads, electricity, water, sanitation and communication; capacity building and enabling environments; quality and adequate resources and materials to ensure the delivery of quality education in the rural areas; effective and efficient processes and mechanisms and community building through education and partnerships. Each of these result areas addresses basic needs in the rural communities that are likely to promote quality education but they are integrated within all proposed activities to create synergy, promote ownership and achieve sustainability.

[69] In particular, to help children and youth develop values, attitudes, knowledge and skills, cognisant of their cultural heritages as part of their personal development to become responsible and productive citizens within their communities.

2.96 Government pay 90 per cent of the total cost of rural water supply projects while communities pay 10 per cent of the total project cost.

Rural Infrastructure Development

2.97 There are 5 rural development programmes designed to improve access to basic services and infrastructure in rural areas, including the outer islands:

(i) Self-Help focuses on small-size infrastructure development projects with the total costs between $1,500-50,000 on a partnership basis (1/3 community contribution and 2/3 cost met by Government);

(ii) Medium-size infrastructure development Projects total costs of $50,0000-$200,000 fully funded by Government;

(iii) Upgrading works on rural roads and build new roads to connect to the main trunk roads;

(iv) Build new farm roads to open up areas that have potential for commercial Agro-Based land-use;

(v) Rural Housing Assistance — focus on the provision of affordable, durable and cyclone resistant houses to families in rural areas (1/3 and 2/3 cost sharing between owner and Government)

Rural Electrification

2.98 The rural electrification project is part of the Government's effort to provide proper electricity for rural areas by the year 2014. It is a joint venture between rural communities, the Government and Fiji Electricity Authority (FEA). FEA carries out a survey and works out the total costs for each electrification project. The community pays 5 per cent of the project costs while Government pay 95 per cent.

3. Thousands of families have benefited from this scheme. For instance, more than 12,000 families and commercial ventures in Viti Levu and Vanua Levu. Also, a rural solar project for 1000 houses for those that fall out of the FEA grid, especially in the interior areas of Ba and Ra. In the North, Cikobia, Taveuni, Seaqaqa, Dreketilailai and Qamea now enjoy solar electrification.

Part IV: The rights of women to equality before the law and within the family framework (Articles 15-16)

Article 15: Equality before the Law and Civil Matters

3.1 "States Parties shall accord to women equality with men before the law. It shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals. States Parties agree that all contracts and all other private instruments of any kind with a legal effect that is directed at restricting the legal capacity of women shall be deemed null and void. Also, States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

3.2 The Constitution,[70] guarantees equality between women and men before the law and both have the legal protection, treatment and benefit of the law.

3.3 The Constitution by Section 15(2) states that, "every party to a civil matter has the right to have the matter determined by a court of law or an independent and impartial tribunal...within a reasonable time." This means that every woman in Fiji may file a civil lawsuit in her own name, but she must have the legal capacity to sue and this is a matter for a court of law to decide. The legal capacity to sue means the woman filing the civil case, referred to as the plaintiff is of the legal age (18 years and over) and of sound mind.

3.4 In a civil case where the plaintiff does not have the legal capacity to sue, a guardian may sue on behalf of an infant or legally incompetent person; the court will appoint a "next friend" or "guardian ad litem" to represent a child or a person of unsound mind in court. An administrator of an estate can represent the deceased's estate if the plaintiff is deceased. Since 2010, the Government has increased the budget of the Legal Aid Commission substantially. This has allowed the Commission to represent persons who cannot afford a lawyer in civil matters in addition to family court matters.

3.5 The Fiji Public Trustee is a corporate body established under the Fiji Public Trustee Corporation Act 2006. Its primary role is to manage estates for beneficiaries.

3.6 Dying testate is the legal terminology used to refer to someone who dies leaving a will. In this case, his/her estate will be divided amongst beneficiaries laid out in the will. On the other hand, when someone dies intestate refers to someone who dies without leaving a will. His/her estate is divided amongst surviving spouse, children and other close relatives in accordance with the Succession, Probate and Administration Act, Cap 60.

3.7 According to the Act, the surviving spouse (or civil partner), for example, he or she will have priority over any other relatives for either all or a certain amount of the estate. If no surviving spouse (or civil partner), the children will usually have priority over other relatives. However, the amount that each relative will receive (if anything) also depends upon the value of the estate and who the other relatives are. If someone dies intestate and they do not have any relatives, according to the laws regarding intestacy, their estate will go to the State.

3.8 The Human Rights Commission Decree, section 19 prohibits any form of unfair discrimination directly or indirectly, amongst other areas include, the participation in, or the making of an application for a partnership, the provision of goods, services, or facilities, including facilities by way of banking, or insurance, grants, loans, credit or finance and the provision of land, housing or other accommodation.

3.9 Sections 27 and 28 of the Decree[71] state that any person may make a complaint to the Commission about a contravention or alleged contravention of human rights or allegation of unfair discrimination.

[70] Section 26 of the constitution.

[71] Human Rights Commission Decree 2009.

3.10 Section 29(1) states that the Commission must investigate all complaints received by it, unless before commencing or during investigation it decides not to do so because the:

- Complaints is not within the jurisdiction of the Commission;
- Complainant is trivial, frivolous, vexatious or not in good faith;
- Complainant, or a person acting on his or behalf, has brought proceedings relating to the same matter in a court or tribunal;
- Complainant has available another remedy or channel of complainant that the complainant reasonably be expected to use;
- Complainant do not have sufficient interest in the complainant;
- Aggrieved person does not want the complainant to be investigated;
- Complaint has been delayed too long to justify an investigation;
- Commission has before it matters more worthy of its attention; or
- Resources of the Commission are insufficient for adequate investigation.

3.11 "Section 30 empowers the Commission to investigate on its motion any act, omission, practice, requirement or condition which is or appears to be unfair discrimination or a contravention of human rights or which has been referred to it by the High Court."

3.12 "After completing the investigation, the Commission must inform the parties of the result of the investigation and whether or not in its opinion, the complaint has substance and the matter ought to be proceeded with. If the Commission is of the opinion that a complaint does not have a substance, or cannot be established to have a substance, but considers nonetheless that it may be possible to reach a settlement, the Commission may act as a conciliator so that parties can reach an amicable settlement to their dispute. The Commission may also act as a conciliator in case it finds that there is a substance to the complaint"[72]

3.13 The Proceedings Commissioner has the power to institute proceedings in the High Court of Fiji it appears to him/her that an amicable settlement has been reached. Section 40(2)[73] the High Court in any proceedings by the Commission is satisfied on the balance of probabilities that the defendant has engaged in unfair discrimination or has contravened human rights, may grant any of the following remedies:

(a) Declaration that the defendant has engaged in unfair discrimination or has contravened human rights;

(b) An order restraining the defendant from continuing or repeating the conduct complained of or causing or permitting others to engage in conduct of the same kind or of any similar kind specified in the order;

(c) Damages;

[72] Sections 36(1)-(6) of the Human Rights Commission Decree.
[73] Human Rights Commission Decree, 2009.

(d) An order that the defendant perform any act specified in the order with a view to redressing any loss or damage suffered by the complainant or the aggrieved person or to preventing conduct of a similar kind in future;

(e) Declaration that a contract requiring performance of anything that constitutes unfair discrimination or contravenes human rights is void and unenforceable;

(f) Any other relief as the High Court thinks fit.

3.14 Under section 21 of the Constitution — Freedom of movement and residence:

21-(1) Every person has the right to freedom of movement.

(2) Every citizen has the right to apply for and be issued with a passport or similar travel document, in accordance with any condition prescribed by a written law.

(4) Every citizen, and every other person who has a right to reside in Fiji, has the right to reside in any part of Fiji.

Article 16 — Marriage and Family Life

3.15 States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(2) The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

3.16 Pursuant to the Marriage Act, Cap 50, marriage in Fiji shall be the voluntary union of one man to one woman to the exclusion of all other and solemnized by either the registrar general, district registrar, registered marriage officer and registered church minister. The Marriage Act (Amendment) Decree 2009) has amended section 12 of the Marriage Act by providing that the legal marriageable age for both males and females in Fiji is 18. The Decree has also repealed the requirement of parental consent where a party to an intended marriage, although of marriageable age, is under the age of 21 years.

3.17 This is a very important law reform in the sense that in our iTaukei Fijian culture as well as the Fijian Indian culture, there is always a stigma over losing virginity before marriage especially for young women. This leads to a rigid control of women's and girls' rights to protect their chastity and family honour, ensuring that girls have no option to explore their sexuality except within marriage.

3.18 The United Nations Deputy High Commissioner for Human Rights, Flavia Pansieri said that, "child marriage is rooted in unequal gender status and power relations that can result in the perpetual subjugation of girls and women. In the absence of viable legal remedies, discriminatory cultural practices based on stereotypical views of women's roles and sexuality are among the structural causes of child and forced marriage." Pansieri further said that, "the often wide age and power differentials between brides and husbands undermine the agency and autonomy of girls and young women. The result is exposure to physical,

psychological, economic and sexual violence; forced labour; so-called honour crimes; domestic slavery; and restrictions on their movement."

3.19 The Decree,[74] "states that any person who wilfully and unlawfully marries a person under the age of eighteen years induces any marriage officer or other person to solemnize marriage between parties when the person so acting knows that one of the parties to the marriage is a minor or abets or assists the principal offender knowing that a party to the marriage or intended marriage is a minor, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding two years". Furthermore, the High Court, when considering an application for nullity of marriage has recognised culture as a factor which vitiates free consent to marriage by young women.

3.20 The Family Law Act 2003 establishes Family Divisions of the High Court and Magistrates Court with the jurisdiction over dissolution of marriage, child custody, spousal and child support, as well as jurisdiction to make orders relating the welfare of children. The Act recognizes that both parents have the same rights to apply for child custody and maintenance, as well as spousal maintenance. In deciding a case relating to a child's welfare, the court is required under the Act to consider the child's expressed wishes, taking into account the child's maturity and level of understanding. A separate representative may be appointed on the Court's initiative, or at the request of a child, an organization concerned with the welfare of children, or any other person.

3.21 The Family Law (Amendment) Decree 2012 provides for the recognition of women's non-financial contribution to a marriage whereby domestic house wives will be able to claim a share in the matrimonial property in a case of a divorce. The Decree recognises de facto relationships and provides them with the same rights to property and spousal maintenance as those married under the civil law. Section 2 of the Decree defines "de facto relationship as the relationship between a man and a woman who live with each other as spouses on a genuine domestic basis although not legally married to each other."

3.22 In determining whether two persons are in a de facto relationship, all the circumstances of the relationship are to be taken into account, including but not limited to the following as maybe relevant in a particular case in terms of the duration of the relationship, nature and extent of common residence, whether or not a sexual relationship exists between the parties, ownership, use and acquisition of property, degree of mutual commitment to a shared life, care and support of children, performance of household duties and reputation and public aspects of the relationship.[75]

3.23 Fiji is a patriarchal society and so both women and her children will adopt the husband/father's family name and for iTaukei Fijians, if parents are legally married, their children's names must be registered under their father's traditional family units in a register kept by the Native Lands Commission called the "vola ni kawa bula." The traditional family units are also landholding units and they are called the "tokatoka, mataqali" and the largest one is called the "yavusa".

3.24 If parents are not legally married then, their child/children will be registered under their mother's family units in the "vola ni kawa bula." Each iTaukei Fijian

[74] Section 29 of the Marriage Act (Amendment) Decree 2009).
[75] Section 3(a) — (i) of the Family Law (Amendment) Decree 2012.

who belongs to 3 family units that is a "tokatoka, mataqali" and a "yavusa." The iTaukei Fijian people own about 87 per cent of land in Fiji and in accordance with the landholding units recorded in the "vola ni kawa bula." It will be interesting to find out what would be a court's decision in terms of the rights for both spouses in respect of the ownership and disposition of property located on a native land without any lease agreement.

3.25 According to the National Gender Policy, the Family Law Act will be reviewed, in accordance with the impact of the Act on the lives of women and families.

Part V: respoases to concluding remarks

3.26 The issues raised in the Committee's Concluding Remarks have been addressed throughout the report and attached at Annex 6 is the matrix.

Methodology

3.27 The Department of Women appointed a local Consultant who is a Corporate Legal Practitioner to prepare Fiji's 5th Progress Report on CEDAW. At the outset, both parties agreed to a workplan commencing on Friday, 11 April 2014 for a period of 3 months.

3.28 The Consultant was required to carry out a desk and literature review during the first 3 week then, prepared and submitted first Draft, followed by a series of meetings with Inter-Agency Taskforce for Women and the Law (IATF WAL) to discuss the report. The Taskforce is made up of Government and Non-Government agencies.

3.29 The implementation of the human rights treaties in Fiji has been decentralized with different Government Ministries in charge of the implementation of treaties, falling under their Ministerial portfolio.

3.30 The absence of a common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties signifies that Fiji is yet to set up an appropriate framework for the collection and collating the necessary information and preparation of all reports in a more coordinated and integrated process.

3.31 If such institutional structures are put in place, this will help preserve the institutional memory of Fiji's reporting. Also, greater use of information technology at all stages of the reporting process could assist further. Information Technology (IT) tools for data collection and management as well as database software will literally reduce the costs. It will also cut out the busy work of collecting data, managing and manual analysis.

3.32 The Consultant particularly takes note of the CEDAW Committee's various concluding remarks towards the systematic implementation of CEDAW in Fiji.

3.33 The terms of reference are very clear in that the Consultant must undertake a wide consultation process that includes 4 meetings with the IATF WLA and facilitate consultation meetings in the 4 divisions.

3.34 A total of 350 rural women attended the 12 consultation meetings over a period of 5 weeks between April and May 2014. The main objective of these meetings with rural women is to capture their views and gauge the impact of the legislative and other measures in compliance with CEDAW.

3.34 There is overwhelming evidence of the commitment, hard work and service oriented by the Department of Women and in awe of how their various programmes are profoundly changing the daily lives of rural women and girls.

3.35 The second Draft of the Report was submitted in week 8 (first week of June), followed by a presentation of the Draft Report to the Fiji Women's Federation, a body created to work in partnership with the Department of Women to implement the Fiji National Policy and an adviser to the Minister for Women, Dr. Jiko Luveni.

3.36 On Monday, 18 June 2014, the Consultant made a PowerPoint presentation to the Minister and Permanent Secretary and Senior Management of the Department of Women. The Minister approved the Draft Report in principle and gave directions to submit it to relevant Ministries for their comments. The submissions from the various Ministries are incorporated into this report. This is in line with the Committee recommendation's under paragraph 51 that states, "...ensure the wide participation of all Ministries...in the preparation of the next report...."